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9  
10 IN UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 AVIANNA MORENO and ANDREA  
13 CANTU,  
14 Plaintiffs,  
15 vs.  
16  
17 YAKIMA SCHOOL DISTRICT NO. 7,  
18 JOHN R. IRION, in his individual capacity,  
19 CELICIA MAHRE, in her individual  
20 capacity, ROBERT STANLEY, in his  
21 individual capacity, and STEVEN  
22 MCKENNA, in his individual capacity,  
23 Defendants.

Case No.: 1:20-cv-03002-TOR  
FIRST AMENDED ANSWER OF  
STEVEN MCKENNA

24  
25 Steven McKenna answers the Complaint and Demand for Jury Trial as  
26 follows:

27 1.-2. Admitted.

28 3.-5. Without knowledge.

29 32 6. Admit that Steven McKenna resides in Selah, Washington. The  
30 remainder of the paragraph is denied.

1       7.-11. Without knowledge.

2       12.-13. Admitted.

3       14. Without knowledge.

4       15.-16. Admitted.

5       17.-19. Without knowledge.

6       20. Admitted.

7       21.-23. Without knowledge.

8       24.-91. Without knowledge.

9       15. Admit that Jackie Graf was the coach for the Davis Dance Team  
16 during 2017-2018. Without information as to the remainder of the paragraph.

17       93.-101. Denied, except that Mr. McKenna admits that at various times  
18 Ms. Moreno was a member of the Davis dance team.

19       102.-143. Without knowledge.

20       144. Denied, except that Mr. McKenna admits that school board  
21 meetings occurred on September 18, 2018 and October 16, 2018.

22       145.-148. Denied.

23       149. Mr. McKenna admits that the school board meeting published the  
24 minutes for the meetings online and in paper copy. The rest of the paragraph is  
25 denied.

26       150.-156. Without knowledge.

1 157. As answered above.

2 158.-162. Without knowledge.

3 163.-168. Denied.

4  
5  
6 **CAUSE OF ACTION NO. 1**  
7

8 1. As answered above.

9 2.-10. Without knowledge.

10  
11 **CAUSE OF ACTION NO. 2**  
12

13 1. As answered above.

14 2. Without knowledge.

15 3. Admitted.

16 4.-6. Denied.

17 7. Denied, except Mr. McKenna admits Ms. Moreno had the right to be  
18 free of discrimination.  
19

20  
21 **CAUSE OF ACTION NO. 3**  
22

23 1. As answered above.

24 2. Without knowledge.

25 a. 1.-2. Admitted.

26 3.-4. Without knowledge.

27 b. 5.-6. Admitted.

28 7.-8. Without knowledge.

c. 1. Without knowledge.

## 2. Admitted.

### 3.-4. Without knowledge.

## **CAUSE OF ACTION NO. 4**

1. As answered above.

#### 2.-4. Without knowledge.

## **CAUSE OF ACTION NO. 5**

1. As answered above.

## 2. Without knowledge.

### 3. Admitted.

#### 4. Without knowledge.

## 5. Without knowledge.

a. 6.-10. Without knowledge

b. 11-14. Without knowledge

## **CAUSE OF ACTION NO. 6**

1 As answered above.

## 2.-7 Without knowledge

**CAUSE OF ACTION NO. 7**

## 1 As answered above

## 2 Without knowledge

1           3. Admitted.

2           4.-9. Without knowledge, except that Mr. McKenna admits that Ms.

3 Moreno was a student at Davis at various times.

4

5           **CAUSE OF ACTION NO. 8**

6

7           1. As answered above.

8

9           2. Without knowledge.

10

11          3.-4. Denied.

12

13          5.-8. Without knowledge.

14

15           **CAUSE OF ACTION NO. 9**

16

17          1. As answered above.

18

19          2. The first sentence is admitted. The remainder of the paragraph is

20 denied.

21

22          3.-4. Without knowledge.

23

24           **CAUSE OF ACTION NO. 10**

25

26          1. As answered above.

27

28          2.-8. Without knowledge.

29

30           **CAUSE OF ACTION NO. 11**

31

32          1. As answered above.

33

34          2.-6. Denied.

## **CAUSE OF ACTION NO. 12**

1. As answered above.

2.-3. Denied.

As AFFIRMATIVE DEFENSES, Mr. McKenna alleges: failure to state a claim upon which relief may be granted, RCW 4.24.510, truthful statements, statements of opinion, waiver, absence of malice, rhetorical hyperbole, and innocent construction.

WHEREFORE, Mr. McKenna prays for relief as follows:

1. For an order dismissing the Plaintiffs' Complaint with Prejudice;

2. For costs and attorney's fees as allowed by Washington law, including 4.24.510;

3. For costs and attorney's fees against the Plaintiffs for violation of Fed.

R. Civ. P. 11 as to claims against Mr. McKenna; and

4. For such other and further relief as the court may deem just and

equitable.

DATED this 26<sup>th</sup> day of February, 2020.

s/ Kevan T. Montoya, WSBA No. 19212  
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4                   **CERTIFICATE OF SERVICE**  
5

6       I hereby certify that on the date below, I electronically filed the foregoing  
7 with the Clerk of the Court using the CM/ECF System, which in turn  
8 automatically generated a Notice of Electronic Filing (NEF) to all parties in the  
9 case who are registered users of the CM/ECF System. The NEF for the  
10 foregoing specifically identifies recipients of electronic notice.

11                   s/ Kevan T. Montoya, WSBA No. 19212  
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